IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

HON'BLE Mr. JUSTICE R. SUBHASH REDDY

Writ Petition No.25061 of 1997

Dated: January 24, 2007

Between:

Konda Kalidasu Padma Krishna Rao, S/o. Gopalam, Aged 46 years, Occ: Agriculture, R/o.H.No.5-82, (Assessment No.924) Kovvvur Road, Janga Reddy-Gudem village and Mandal, West Godavari District.

... Petitioner

And

The Executive Officer, Grampanchayat, Janga-Reddy Gudem, West Godavari District, and others.

... Respondents

Order:

This Writ Petition has been filed seeking Mandamus to declare the action of respondents in proposing to demolish H.No.5-54 and 82, situated at Kovvur Road, Janga Reddy Gudem village and Mandal, West Godavari District, as illegal and arbitrary.

2. As stated in the affidavit filed in support of the Writ Petition, it is

the case of the petitioner that he is the absolute owner and possessor of H.No.5-82 (Assessment No.924) and H.No.5-54 (Assessment No.898), Kovvur Road, Janga Reddy Gudem, having inherited them from his ancestors. It is stated that the aforesaid two houses admeasure 295 Sq. yards and 250 Sq. yards respectively and they have been in existence for the last more than 60 years. Petitioner's grievance is that respondents, without issuing any notice to him, are proposing to demolish certain portions, on which they earlier made markings, for the purpose of road widening, in violation of the rights guaranteed under Articles 14, 21 and 300-A of the Constitution of India.

3. This court, while admitting the Writ Petition, by order dated 29-09-1997, in WPMP No.29201 of 1998, directed the respondents not to demolish the houses of the petitioners. Though the Writ Petition is of the year 1997, neither a counter affidavit filed is filed nor is there any representation on behalf of the respondents.

4. If private lands or any part thereof, are required for any public purpose, the same have to be taken possession of either by the owner's consent or by initiating appropriate proceedings under the Land Acquisition Act, 1894. As it is the case of the petitioner that respondents are demolishing the aforesaid properties, without issuing any prior notice to him, I dispose of the Writ Petition directing the respondents not to deprive the petitioner of his properties aforementioned, without following due process of law. No costs.

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JUSTICE R. SUBHASH REDDY.

January 24, 2007
MRR